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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,502	02/25/2002	Kimmo Narkilahti	089229.00007	2649
32294 7590 04/23/2008 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-2700				
EXAMINER KAMPURIA, SHARAD K				
ART UNIT		PAPER NUMBER		
2617				
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04/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/018,502

**Applicant(s)**

NARKILAHTI ET AL.

**Examiner**

Sharad Rampuria

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Disposition of the claims*

- I. The current office-action is in response to the Amendment filed on 10/17/2007.

Accordingly, Claims 1-25 are imminent for further assessment as follows:

### *Claim Rejections - 35 USC § 112*

- II. The following is a quotation of the **first** paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the **written description requirement**. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 25, the limitation, "computer readable medium" and "computer program." The applicant's specification fails to support such limitation.

### *Claim Rejections - 35 USC § 101*

- III. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 rejected under 35 U.S.C. 101, because of non-statutory as describe following:

Regarding claim 25 as a whole, it is effectively claiming a computer program - program codes” comprising “code means”.....

As “a software/computer program” which does not fall within any of the enumerated statutory categories because it is an Abstract Idea, *and the invention as claimed does not produce a useful, concrete, and tangible result*. Therefore, claim 25 is nonstatutory. (Please see MPEP 2106.01 [R-6]).

#### ***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the Claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various Claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each Claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al. [GB 2327175] in view of OWENSBY, CRAIG A. [US 20020077130 A1].

Regarding Claim 1, Knight discloses method for determining the behaviour patterns of users of a telecommunication system on the basis of information collected from the system, (Pg.1; 26-35), the method comprising;

Defining at least one variable or a combination of variables of the telecommunication, (Pg.4; 8-29)

Filtering user-specific information corresponding to the defined at least one variable or a combination of variables from the information collected from the telecommunication system, (Pg.4; 31-Pg.5; 34, Pg.3; 16-Pg.4; 6)

Knight fails to disclose classifying the users of the telecommunication on the basis of the filtered user-specific information into various classes indicative of a user's behaviour patterns during use of the telecommunication system. However, OWENSBY teaches in an analogous art, that the classifying the users of the telecommunication on the basis of the filtered user-specific information into various classes indicative of a user's behaviour patterns during use of the telecommunication system. (e.g. ¶ 0053, 0055, 0013-0015 and Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include classifying the users of the telecommunication on the basis of the filtered user-specific information into various classes indicative of a user's behaviour patterns during use of the

telecommunication system in order to provide a system and method for providing targeted messages to a subscriber of a wireless mobile communications service.

Regarding Claim 2, Knight discloses a method according to Claim 1, characterized in that said user-specific information is filtered from the telecommunication system in real time. (Pg.4; 15-21)

Regarding Claim 3, Knight disclose a method according to Claim 1, characterized in that after said filtering of information the filtered information is saved (3; fig.1) for later analysis. (Pg.3; 20-24)

Regarding Claim 4-6 Knight discloses all the particulars of the Claim except after the classification; statistical analysis is carried out on the classified information. However, OWENSBY teaches in an analogous art, that a method according to Claim 1, characterized in that after the classification; statistical analysis is carried out on the classified information (§ 0053, 0055, 0013-0015 and Abstract).

Regarding Claim 7, Knight discloses all the particulars of the Claim except the classes of behaviour patterns used in the classification of users are defined in connection with the definition of variables. However, OWENSBY teaches in an analogous art, that a method according to Claim 1, characterized in that the classes of behaviour patterns used in the classification of users

are defined in connection with the definition of variables (§ 0053, 0055, 0013-0015 and Abstract).

Regarding Claim 8, Knight discloses all the particulars of the Claim except the definitions of the classes of behaviour patterns used in the classification of users are changed. However, OWENSBY teaches in an analogous art, that a method according to Claim 1, characterized in that the definitions of the classes of behaviour patterns used in the classification of users are changed (§ 0053, 0055, 0013-0015 and Abstract).

Regarding Claim 9, Knight discloses all the particulars of the Claim except filtered unclassified information is classified into said new classes of behaviour patterns. However, OWENSBY teaches in an analogous art, that a method according to Claim 8, characterized in that said filtered unclassified information is classified into said new classes of behaviour patterns (§ 0053, 0055, 0013-0015 and Abstract).

Regarding Claim 10, Knight discloses a method according to Claim 1, characterized in that at least one of the variables is the type of contract of the user (Pg.3; 16-34).

Regarding Claim 11, Knight discloses a method according to Claim 1, characterized in that at least one of the variables is the type of system service. (Pg.3; 16-Pg.4; 6)

Regarding Claim 12, Knight disclose a method according to Claim 1, characterized in that said telecommunication system is a mobile communication system (1; fig.1; Pg.1; 7-10)

**Claims 13-18 system** claims, corresponding to **method** Claims 1-3, 9-10, 12 respectively, and rejected under the same rational set forth in connection with the rejection of Claims 1-3, 9-10, 12 respectively, above.

**Claims 19-24 system** claims, corresponding to **method** Claims 1-3, 9-10, 12 respectively, and rejected under the same rational set forth in connection with the rejection of Claims 1-3, 9-10, 12 respectively, above.

**Claim 25** is the computer readable medium claim corresponding to system claim 13 respectively, and rejected under the same rational set forth in connection with the rejection of claim 13 respectively, above.

***Response to Amendments & Remarks***

V. Applicant's arguments with respect to claims 1-25, have been fully considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F, (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

[EBC@uspto.gov](mailto:EBC@uspto.gov).

/Sharad Rampuria/  
Primary Examiner  
Art Unit 2617